

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2745 of 2023

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

SAHEB HUSSAIN son of Late Hamid Miyan @ Hamid Ansari Village-
Katokhar Po- Mobarakpur Ps- Manjhi dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Kumar Singh son of Late nand Kishore Singh Village- Katokhar Ps-
manjhi Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shatrughan Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 25.05.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Saran, at Chapra, whereby the prayer for bail of the appellant in connection with Manjhi P.S. Case No. 238 of 2020 under Sections 147, 148, 323, 307, 376, 511 of the Indian Penal Code and Section 3(r)(s) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of assaulting the informant, due to which he sustained injury. It is further alleged that the other co-accused persons



have tried to commit rape with the daughter of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant and no specific overt act against him. The statement of the victim recorded u/s 164 of the Cr.P.C. in which she does not whisper about the complicity of the appellant. Appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 02.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.05.2023 arising out of Manjhi P.S. Case No. 238 of 2020 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Manjhi P.S. Case No. 238 of 2020 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction of
the learned 3rd Additional District and Sessions Judge-cum-
Special Judge (SC/ST Act), Saran at Chapra.

(Sunil Kumar Panwar, J)

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